

Message Text

CONFIDENTIAL

PAGE 01 BERLIN 00662 170924 Z

15

ACTION EUR-25

INFO OCT-01 IO-12 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

SCI-06 SCEM-02 NEA-10 GAC-01 TRSE-00 MBFR-03 SAJ-01

AEC-11 EB-11 ACDA-19 NSF-04 RSR-01 /173 W

----- 088270

R 170840 Z APR 73

FM USMISSION BERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 1679

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

EC BRUSSELS 412

IAEA VIENNA 304

USMISSION USUN NEW YORK

C O N F I D E N T I A L BERLIN 0662

E. O. 11652: GDS

TAGS: PFOR, PARM, GW, WB, IAEA, EEC

SUBJECT: FRG INTEREST IN EXTENDING NPT AND VERIFICATION AGREEMENT
TO BERLIN

REF: BONN 5221

1. SUMMARY: WE SHARE EMBASSY'S VIEW THAT FINAL DECISION
ON WHETHER FRG MIGHT EXTEND NPT AND/ OR IAEA- EURATOM
VERIFICATION AGREEMENT TO WEST BERLIN IS ESSENTIALLY
POLITICAL. OUR PRELIMINARY REACTION IS THAT BOTH RAISE
PROBLEMS WITH RESPECT TO ALLIED RIGHTS AND RESPONSIBILITIES
ON MATTERS AFFECTING SECURITY OF CITY, AND THAT SERIOUS
SOVIET OBJECTIONS WOULD PROBABLY BE FORTHCOMING.
GROUNDS FOR EXTENDING IAEA- EURATOM AGREEMENT MAY,
HOWEVER, BE CONSIDERABLY STRONGER THAN GROUNDS FOR
EXTENDING NPT. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERLIN 00662 170924 Z

2. WE BELIEVE ALL TREATIES SHOULD BE EXTENDED TO BERLIN WHENEVER A GOOD CASE CAN BE MADE AND WHENEVER POSITIVE INTERESTS ARE SERVED. IT CAN ALSO BE ARGUED THAT WHENEVER A GOOD CASE CAN NOT BE MADE TO THE CONTRARY, ALL TREATIES SHOULD BE EXTENDED TO WEST BERLIN AS MATTER OF PRINCIPLE. IT IS QUESTIONABLE IN PRESENT INSTANCE, HOWEVER, WHETHER THERE ARE PRACTICAL REASONS FOR INCLUDING WEST BERLIN IN FRG'S RATIFICATION, AT LEAST OF NPT, AND ISSUE WILL ALMOST CERTAINLY LEAD SOVIETS TO CHARGE THAT ALLIES HAVE VIOLATED QA BY YEILDING TO FRG THREE- POWER RIGHTS AND RESPONSIBILITIES IN MATTERS AFFECTING WEST BERLIN'S SECURITY AND STATUS.

3. WE THINK STRONG CASE CAN BE MADE THAT FRG SHOULD NOT, REPEAT NOT, SEEK TO EXTEND ARMS- CONTROL TREATIES IN GENERAL TO WEST BERLIN. BY THEIR VERY NATURE SUCH TREATIES, EVEN WHERE THEY SEEK TO PREVENT THE EMPLACEMENT OF WEAPONS RATHER THAN MERELY LIMIT THEIR NUMBERS OR USE, ARE DIRECTED AT SECURITY INTERESTS OF APPLICABLE TERRITORY. ALLIES AND NOT FRG ARE RESPONSIBLE FOR WEST BERLIN'S SECURITY, AND SOVIETS WOULD, IN OUR JUDGMENT, APPEAR TO BE ON A STRONGER GROUND THAN USUAL IF THEY OBJECTED TO EXTENSION BY FRG TO WEST BERLIN OF AGREEMENT SUCH AS NPT THAT DEALS WITH NUCLEAR WEAPONRY. IT CAN BE ARGUED, MOREOVER, THAT DEMILITARIZATION LEGISLATION UNIQUELY APPLICABLE TO BERLIN IS SO SWEEPING AS NOT TO REQUIRE ADDITIONAL ARMS- CONTROL MEASURES FOR CITY VIS- A- VIS GERMANS.

4. ON RELATED MATTER, KOMMANDATURA ONLY LAST MONTH ISSUED BK/ L REQUESTING ADDITIONAL TIME TO CONSIDER WHETHER EXTENSION TO WEST BERLIN SHOULD BE PERMITTED OF " CONVENTION ON PROHIBITION OF DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIC WEAPONS AND ON THEIR DESTRUCTION." PRELIMINARY VIEW OF THREE MISSIONS IS THAT THIS CONVENTION ALSO SHOULD NOT BE EXTENDED TO BERLIN BECAUSE IT IS ARMS- CONTROL MEASURE AND IT WOULD NOT BE APPROPRIATE WITH EXISTING SITUATION, INCLUDING QA, FOR FRG TO ASSERT EVEN ATTENUATED ARMS- CONTROL RESPONSIBILITIES FOR WEST BERLIN.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BERLIN 00662 170924 Z

5. ALTHOUGH IAEA- EURATOM VERIFICATION AGREEMENT LIKEWISE DEALS WITH SENSITIVE SUBJECT OF NUCLEAR ENERGY, IT DOES NOT SEEM TO BE SO EXPLICITLY AN ARMS- CONTROL MEASURE AS NPT. AS REFTEL NOTES, FRG IS PARTY TO EURATOM CONVENTION AND HAS EXTENDED THAT CONVENTION TO WEST BERLIN, SUBJECT TO BK/ L(57)45, WHICH PRESERVES ALLIED RIGHTS AND RESPONSIBILITIES. EURATOM CONVENTION, STRICTLY SPEAKING, IS NOT CONCERNED WITH MILITARY MATTERS. ITS OBJECTIVE IS DEFINED AS COLLABORATION AMONG THE PARTIES IN RESEARCH OF PURE SCIENTIFIC AND FUNDAMENTAL CHARACTER, AND ARTICLE 2(1) PROVIDES EXPLICITLY THAT: " THE ORGANIZATION SHALL HAVE NO CONCERN WITH WORK FOR MILITARY REQUIREMENTS AND THE RESULTS OF ITS EXPERIMENTAL AND THEORETICAL WORK SHALL BE PUBLISHED OR OTHERWISE MADE GENERALLY AVAILABLE." PRIMARY FOCUS OF ORGANIZATION IS NUCLEAR- ENERGY LABORATORY ESTABLISHED IN GENEVA, BUT CONVENTION DOES SAY THAT GENEVA LAB SHALL COOPERATE TO FULLEST POSSIBLE EXTENT WITH LABS AND INSTITUTIONS IN TERRITORIES OF MEMBER STATES.

6. WE TAKE IT, THEREFORE, THAT PRACTICAL REASON FOR EXTENDING IAEA- EURATOM VERIFICATION AGREEMENT TO WEST BERLIN IS THAT, THEORETICALLY AT LEAST, THIS CITY CAN PARTICIPATE IN EURATOM WORK IN ACCORDANCE WITH ABOVE PROVISIONS. WERE VERIFICATION AGREEMENT NOT EXTENDED TO WEST BERLIN, THERE WOULD BE AN ANOMALOUS SITUATION.

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 17 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BERLIN00662
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GDS
Errors: CORE6
Film Number: n/a
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730446/aaaairrm.tel
Line Count: 140
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 BONN 5221
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 06 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06-Aug-2001 by shawdg>; APPROVED <06-Sep-2001 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 980123
Subject: FRG INTEREST IN EXTENDING NPT AND VERIFICATION AGREEMENT TO BERLIN
TAGS: PARM, PFOR, GW, WB, EEC, IAEA
To: BONN
EC BRUSSELS
EUR
IAEA VIENNA
LONDON
MOSCOW
NATO

PARIS
SECSTATE WASHDC

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005